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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,679	02/11/2002	Stephen Mayo	A-71138-1/RFT/RMS/RMK	9173

32940 7590 05/16/2006

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EXAMINER

BORIN, MICHAEL L

ART UNIT	PAPER NUMBER
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1631

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20060512

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The communication filed on 02/01/2006 is not fully responsive to the prior Office action because of the following omissions or matters:

Amendment filed on 02/01/2006 is, again, deemed non-responsive. As was stated in the previous letters of non-responsive amendment, an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive.

In the response to the second Notice of non-responsive amendment applicant presented a new set of claims, claims 28-36. Although the new set of claims is directed to the same objective, "screening for protozymes", as the set of claims initially examined, the claims are directed to a method which is related but patentably distinct. This is because that the method as claimed has a materially different design and mode of operation: The original method was directed to "inserting an active site". "Active site" is defined in the specification as:

A domain that has enzyme-like activity, including catalytic activity or ligand binding activity.

See paragraph [0047].

Contrary, the new claims are directed to "inserting active site ... comprising use of high energy state rotamers". "High energy state rotamers" are defined in the specification as rotamers of a substrate, rather than of an enzyme. See paragraphs {0066}, [0067]. In particular, paragraph [0067] states:

"High energy state" is meant to include high energy states of the substrate on some reaction pathway...

Thus, the defining method step in the new claims is directed to inserting rotamers related to a substrate, rather than a protozyme, and is thus different from the method as originally claimed.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached on (571) 272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Michael Borin', with a stylized flourish extending from the end.

Michael Borin, Ph.D.  
Primary Examiner  
Art Unit: 1631